

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
RICHARD R. KURC,

Plaintiff,

ANSWER

-against-

08 CV 6310  
(Buckwald, J)

MEL S. HARRIS AND ASSOCIATES, LLC,

Defendant(s).  
-----x

Defendant, MEL S. HARRIS AND ASSOCIATES, LLC, answers  
plaintiff's complaint as follows:

1. Defendant acknowledges that this matter has been brought pursuant to the Fair Debt Collection Practices Act, but denies any violation of that statute.
2. Defendant admits the allegations contained in paragraph "2" of the complaint.
3. Defendant denies each and every allegation contained in paragraph "3" of the complaint.
4. Defendant admits the allegations contained in paragraph "4" of the complaint.
5. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "5" of the complaint.

6. Defendant admits the allegations contained in paragraph "6" of the complaint

7. Defendant admits the allegations contained in paragraph "7" of the complaint.

8. Defendant admits the allegations contained in paragraph "8" of the complaint.

9. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "9" of the complaint.

10. Defendant admits filing an affidavit of service, but otherwise denies the allegations contained in paragraph "10" of the complaint.

11. Defendant denies having an agent by the name of Barry German, but admits to using a licensed process serving agency which employs an individual by the name of Barry German

12. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "12" of the complaint.

13. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "13" of the complaint.

14. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "14" of the complaint.

15. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "15" of the complaint.

16. Defendant denies each and every allegation contained in paragraph "16" of the complaint.

17. Defendant denies each and every allegation contained in paragraph "17" of the complaint.

18. Defendant admits the allegations contained in paragraph "18" of the complaint.

19. Defendant denies each and every allegation contained in paragraph "19" of the complaint.

20. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "20" of the complaint.

21. Defendant denies each and every allegation contained in paragraph "21" of the complaint.

22. Defendant denies each and every allegation contained in paragraph "22" of the complaint.

23. Defendant denies each and every allegation contained in paragraph 23" of the complaint.

24. Defendant denies each and every allegation contained in paragraph "24" of the complaint.

25. Defendant denies each and every allegation contained in paragraph "25" of the complaint.

26. Defendant denies each and every allegation contained in paragraph "26" of the complaint.

27. Defendant denies each and every allegation contained in paragraph "27" of the complaint.

28. Defendant denies each and every allegation contained in paragraph "28" of the complaint.

29. Defendant denies each and every allegation contained in paragraph "29" of the complaint.

30. Defendant denies each and every allegation contained in paragraph "30" of the complaint.

31. Defendant denies each and every allegation contained in paragraph "31" of the complaint.

32. Defendant denies each and every allegation contained in paragraph "32" of the complaint.

33. Defendant denies each and every allegation contained in paragraph "33" of the complaint.


34. Defendant denies each and every allegation contained in paragraph "34" of the complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

35. That plaintiff's complaint fails to state a cause of action.

WHEREFORE, the defendant respectfully requests that plaintiff's complaint be dismissed.

Dated: New York, NY  
August 11, 2008

  
\_\_\_\_\_  
Arthur Sanders (AS-1210)  
MEL S. HARRIS AND ASSOCIATES, LLC  
Attorneys for defendant  
5 Hanover Square - 8<sup>th</sup> Floor  
New York, NY 10004  
212-660-1050

TO:

RANDALL MS. NEWMAN, ESQ.  
Attorney for plaintiff  
40 Wall Street, 61<sup>st</sup> Floor  
New York, NY 10005